

REMARKS

Applicants note that all amendments and cancellation of Claim herein are made in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

I. The Claims are Enabled

The Examiner rejects Claims 1-20 under 35 U.S.C. 112, first paragraph as allegedly lacking enablement. In particular, the Examiner states "The description does not provide specific and/or detailed guidance to determine if a subject proteome is healthy or cancerous and likewise to correlatethe proteome to determine that the subject is cancerous or have a probability of future cancer development." (Office Action, pg. 4).

The Applicants respectfully disagree with the rejection. Nonetheless, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have cancelled Claims 1-11 and amended Claim 12. Amended Claim 12 recites a method for diagnosing breast cancer using the standard proteome described by Table 1.

The Applicants submit that the specification provides an enabling disclosure for the method of Claim 12. For example, Example 1 of the specification describes a working example of identifying proteomes indicative of breast cancer by comparing them to a proteome selected from the protein spots shown in Table 1. In addition, the present specification provides teaching of the disease analysis means comprising a genetic algorithm, a support vector mechanism or a fuzzy rule based classification. For example, the terms related to the genetic algorithm, the support vector mechanism and the fuzzy rule-based classification have been defined in the present specification (See e.g., pg. 9, line 7 to page 10, line 11). Also, an experiment using the above disease analysis means can be found in Example 1. Furthermore the above disease analysis means including Genetic algorithm (GA) is known to those of skill in the art as an optimization tool. Accordingly, the methods for disease analysis and the system using the

methods of the presently claimed invention would be understood by those skilled in the art. As such, the Applicants submit that the claims are enabled and respectfully request that the rejection be withdrawn.

II. The Claims are supported by Written Description

The Examiner rejects Claims 1-11 under 35 U.S.C. 112, first paragraph, as allegedly lacking written description. As Claims 1-11 have been canceled (see above), the rejection is moot.

III. The Claims are Definite.

The Examiner rejects Claims 1-20 under 35 U.S.C. 112, second paragraph, as allegedly indefinite. As Claims 1-11 have been canceled, the Applicants will address only the rejections related to Claim 12 and Claim 17. The Examiner rejects Claim 12 as allegedly indefinite due to the recitation of the limitation “determining whether the serum proteome of the subject is normal or abnormal, that is, indicative of cancer...” (Office Action, pg. 11). The Applicants respectfully disagree. As described above, the claims have been amended to remove the phrase “that is” and indicate the method indicates the presence of cancer in the subject. As such, the Applicants submit that the claim is definite.

The Examiner further rejects Claim 17 as allegedly indefinite due to the limitation “classifying the serum proteome of the subject into “normal” or “having a disease...” (Office Action, pg. 11). The Applicants respectfully disagree with the rejection. Nonetheless, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have amended Claim 17 to recite the step of classifying proteomes into those that are indicative of normal or having breast cancer. As such, the Applicants submit that the Claims are definite and respectfully request that the rejection be withdrawn.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

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